

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DEQUAVIOUS PICOU,)	
individually and on behalf of all)	
others similarly situated,)	Case No. 1:20-cv-04697-MHC
)	
Plaintiff,)	Judge Mark H. Cohen
v.)	
)	
THE NATIONAL COLLEGIATE)	
ATHLETIC ASSOCIATION,)	
)	
Defendant.)	

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO
ANSWER OR OTHERWISE PLEAD IN RESPONSE TO COMPLAINT**

Pursuant to Fed. R. Civ. P. 6(b), Defendant National Collegiate Athletic Association (“NCAA”) respectfully requests an extension of time of twenty-eight (28) days, until April 13, 2021, to answer or otherwise plead in response to the Class Action Complaint (“Complaint”) of Plaintiff Dequavious Picou (“Plaintiff”). In support of this motion, the NCAA states as follows:

1. Plaintiff filed the Complaint on November 8, 2020. See Compl. (Dkt. 1). On February 23, 2021, the Court issued an electronic summons. See Summons (Dkt. 14). Later that day, Plaintiff filed a proof of service, and the Court set a deadline of March 16, 2021 for the NCAA to answer or otherwise respond to the

Complaint. See Proof of Service (Dkt. 15). On March 2, 2021, the NCAA received a copy of the Complaint via certified mail.

2. On March 4, 2021, the NCAA filed a Notice of Potential Tag-Along Action with the Judicial Panel on Multidistrict Litigation, requesting that the above-captioned action be transferred to Judge John Z. Lee of the United States District Court for the Northern District of Illinois and consolidated in In re NCAA Student-Athlete Concussion Injury Litigation – Single Sport / Single School (Football), Case No. 1:16-cv-08727 (N.D. Ill.).

3. On March 11, 2021, the Judicial Panel on Multidistrict Litigation (“JPML”) entered a Conditional Transfer Order (“CTO”), preliminarily finding that this action involves questions of fact common to the actions previously transferred to and consolidated before Judge Lee. See CTO-35 (Dkt. 215), In re NCAA Student-Athlete Concussion Injury Litigation, MDL No. 2492 (JPML). The JPML set a deadline of March 18, 2021 for the filing of any opposition to the CTO. See Notice of Filing of CTO and Publication of Briefing Schedule (JPML Dkt. 216). On March 11, 2021, counsel for the NCAA conferred with Plaintiff’s counsel and was advised that Plaintiff does not intend to oppose the CTO.

4. Five hundred seventeen (517) substantially similar, putative class actions filed against the NCAA and various conferences and member institutions

have already been transferred to and consolidated before Judge Lee.¹ The NCAA, in turn, expects this case to also be consolidated before Judge Lee before the proposed April 13, 2021 deadline, at which point it will be stayed pursuant to Judge Lee's Case Management Orders in In re NCAA Student-Athlete Concussion Injury Litigation – Single Sport / Single School (Football), Case No. 1:16-cv-08727 (N.D. Ill.). See Case Management Order No. 4 (N.D. Ill. Dkt. 1).

5. Pursuant to Fed. R. Civ. P. 6(b)(1)(A), this Court is authorized to extend the time for the NCAA to answer or otherwise respond to the Complaint if good cause is shown and the request for extension is made before the original time to answer or otherwise respond expires.

6. The NCAA's counsel has conferred with Plaintiff's counsel regarding this request and has been advised that Plaintiff does not oppose this request.

7. The current deadline has not passed or been previously extended.

¹ The five hundred seventeen (517) actions previously consolidated in In re NCAA Student-Athlete Concussion Injury Litigation – Single Sport / Single School (Football), Case No. 1:16-cv-08727 (N.D. Ill.), are identified in the Court's Case Management Order No. 4 (N.D. Ill. Dkt. 1), the NCAA's List of Related Cases (N.D. Ill. Dkt. 40), Conditional Transfer Order Nos. 10-34 (N.D. Ill. Dkts. 109, 184, 221, 229, 255, 268, 300, 305, 310, 311, 315, 329, 331, 339, 340, 343, 345, 353, 355, 363, 366, 370, 374, 375, 376) and in unnumbered docket entries for the above-captioned matter, which identify eight (8) additional cases that originated in the transferee district (i.e., the United States District Court for the Northern District of Illinois).

8. The requested extension does not interfere with any Case Management Plan, scheduled hearings or other case deadlines.

9. The NCAA requests this extension in good faith and not for any improper purpose.

WHEREFORE, the NCAA respectfully requests an extension of time until April 13, 2021 to answer or otherwise plead in response to Plaintiff's Complaint. The NCAA further requests whatever other relief the Court deems appropriate.

Dated: March 12, 2021

Respectfully submitted,

/s/Thomas E. Lavender, III

Thomas E. Lavender, III

Georgia Bar Number 439389

One of the Attorneys for Defendant National Collegiate Athletic Association

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CERTIFICATE OF SERVICE

I do hereby certify that on March 12, 2021, a true and correct copy of the foregoing UNOPPOSED MOTION FOR EXTENSION OF TIME TO ANSWER OR OTHERWISE PLEAD IN RESPONSE TO COMPLAINT was filed with the Clerk of the Court using the CM/ECF system, which will send notification to the attorneys of record.

Date: March 12, 2021

/s/ Thomas E. Lavender, III

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